

1975 No. 113

SOCIAL SECURITY**The Social Security (Credits) Regulations (Northern Ireland) 1975***Made* 4th April 1975*Coming into operation* 6th April 1975

The Department of Health and Social Services for Northern Ireland, in exercise of powers conferred by section 13(4) of the Social Security (Northern Ireland) Act 1975(a) and paragraph 3 of Schedule 3 to the Social Security (Consequential Provisions) Act 1975(b), and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation and commencement

1. These regulations may be cited as the Social Security (Credits) Regulations (Northern Ireland) 1975 and shall come into operation on 6th April 1975.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires—

“the Act” means the Social Security (Northern Ireland) Act 1975;

“credits” and “a credit” shall be construed in accordance with regulation 3;

“reckonable year”, in relation to any benefit, means a tax year for which the relevant earnings factor of the contributor concerned amounts to not less than that year’s lower earnings limit multiplied in the case of any benefit except maternity grant by 50, and in the case of maternity grant by 25;

“relevant earnings factor”, in relation to any benefit, means the earnings factor or the aggregate of the earnings factors derived from contributions paid or credited of the class or classes relevant in relation to that benefit under section 13;

“relevant past year” has the meaning assigned to it in paragraph 1(4), 2(4) or 3(4), as the case may be, of Schedule 3 to the Act in relation to the benefit in question,

and other expressions have the same meanings as in the Act.

(2) The rules for the construction of Acts of Parliament contained in the Interpretation Act 1889(c) shall apply for the purposes of the interpretation of this statutory rule as they apply for the purposes of the interpretation of an Act of Parliament.

(3) Unless the context otherwise requires, any reference in these regulations—

(a) to a numbered section is a reference to the section of the Act bearing that number;

- (b) to a numbered regulation is a reference to the regulation bearing that number in these regulations, and any reference in a regulation to a numbered paragraph is a reference to the paragraph of that regulation bearing that number;
- (c) to any provision made by or contained in any enactment or instrument shall be construed as a reference to that provision as amended or extended by any enactment or instrument and as including a reference to any provision which it re-enacts or replaces or which may re-enact or replace it with or without modification.
- (4) Nothing in these regulations shall be construed as entitling any person to be credited with contributions for the purposes of any benefit for a day, period or event occurring before 6th April 1975.

General provisions relating to the crediting of contributions

3.—(1) Any contributions credited in accordance with these regulations for the purposes of any benefit for which 2 contribution conditions are specified in Schedule 3 to the Act shall be only for the purpose of enabling the person concerned to satisfy the second of those conditions; and accordingly where under any of the provisions of these regulations a person would, but for this paragraph, be entitled to be credited with any contributions for a tax year, or in respect of any week in a tax year, he shall be so entitled for the purposes of any benefit only if and to no greater extent than that by which his relevant earnings factor for that year falls short of the level required to make that year a reckonable year.

(2) Where under these regulations a person is entitled for the purposes of any benefit to—

- (a) Class 1 credits for a year, he is to be credited with such amount of Class 1 contributions as may be required to bring his relevant earnings factor to the level required to make that year a reckonable year;
- (b) a Class 1 credit in respect of a week, he is to be credited with an amount of primary Class 1 contributions calculated at the standard rate specified in section 4(6)(a) in respect of a payment of weekly earnings made in that week and equal to the lower earnings limit then current under section 4(1)(a).

(3) Where under these regulations a person is entitled to a credit in respect of a week which is partly in one tax year and partly in another, he shall be entitled to that credit for the tax year in which that week began and not for the following year.

Starting credits for the purposes of a retirement pension, a widowed mother's allowance and a widow's pension

4.—(1) For the purposes of entitlement to a Category A or a Category B retirement pension, a widowed mother's allowance or a widow's pension by virtue of a person's contributions, he shall be credited with such number of Class 3 contributions as may be required to bring his relevant earnings factor in respect of the tax year in which he attained the age of 16 and for each of the 2 following tax years to the level required to make those years reckonable years; so however that, subject to paragraph (2), no contribution shall be credited under this regulation in respect of any tax year commencing before 6th April 1975.

(2) Where a person was in Northern Ireland on 6th April 1975 and had attained the age of 16 but was not an insured person under the National Insurance Act (Northern Ireland) 1966(d), he shall be credited with contributions under paragraph (1) in respect of the tax year commencing on 6th April 1974.

Starting credits for the purposes of unemployment benefit, sickness benefit and maternity allowance

5.—(1) For the purposes of his entitlement to unemployment benefit, sickness benefit or maternity allowance a person shall, subject to paragraph (2), be entitled to Class 1 credits for the relevant past year if it is—

- (a) the year in which he attained the age of 17 or any previous year; or
- (b) in the case of a person who was not insured under the National Insurance Act (Northern Ireland) 1966, a later year up to and including the first year in which he paid or is treated, otherwise than by Part II of Schedule 3 to the Act, as having paid either a Class 1 or Class 2 contribution.

(2) Paragraph (1) shall not apply to a woman in respect of any tax year immediately before the end of which she was a married woman and an election made by her under regulations made under section 125(2) (elections by married women and widows not to pay certain contributions or to pay certain contributions at a reduced rate) had effect.

Starting credits for the purposes of a maternity grant

6. For the purposes of entitlement to a maternity grant by virtue of a person's contributions he shall—

- (a) be credited with such number of Class 3 contributions as may be required to bring his relevant earnings factor for the relevant past year, if it is a year for which contributions could be credited under regulation 4 which commenced on or after 6th April 1975, to the level required to make it a reckonable year;
- (b) in the case of a person to whom regulation 5(1) applies, be entitled to Class 1 credits for the relevant past year, if (not being a year for which he is entitled to credits under paragraph (a) of this regulation it is a year mentioned in paragraph (1), but not paragraph (2), of regulation 5.

Credits for approved training

7.—(1) For the purposes of entitlement to any benefit by virtue of a person's contributions he shall, subject to paragraphs (2) and (3), be entitled to a Class 1 credit in respect of each week in any part of which he was undergoing (otherwise than in pursuance of his employment as an employed earner) a course of full-time training approved by the Department for the purposes of this regulation.

(2) Paragraph (1) shall apply to a person only if—

- (a) for at least 1 of the last 3 tax years ending before the course began his earnings factor derived from Class 1 and Class 2 contributions paid or credited amounted in the aggregate to a least 50 times the lower earnings limit for that year or in the circumstances of his case there is reasonable ground for waiving the foregoing requirement of this sub-paragraph;

- (b) when the course began it was not intended to continue for more than 12 months or in the case of a person undergoing a course of training provided under the Disabled Persons (Employment) Act (Northern Ireland) 1945(e), for such longer period as is reasonable in the circumstances of his case; and
- (c) he had attained the age of 18 before the beginning of the tax year in which the week in question began.

(3) Paragraph (1) shall not apply to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under section 125(2) had effect.

Credits on termination of full-time education, training or apprenticeship

8.—(1) For the purposes of his entitlement to unemployment benefit, sickness benefit or maternity allowance, a person who was—

- (a) undergoing a course of full-time education;
- (b) undergoing a course of training approved for the purposes of this regulation by the Department; or
- (c) an apprentice,

during any part of the relevant past year, shall, subject to paragraph (2), be entitled to Class 1 credits for that year if that course or, as the case may be, his apprenticeship has terminated.

(2) Paragraph (1) shall not apply—

- (a) where the course of education or training or the apprenticeship commenced after the person had attained the age of 21;
- (b) to a woman in respect of any tax year immediately before the end of which she was a married woman and an election made by her under regulations made under section 125(2) had effect.

Credits for unemployment or incapacity for work

9.—(1) For the purposes of entitlement to any benefit by virtue of a person's contributions he shall be entitled to a Class 1 credit in respect of each week of unemployment or incapacity within the meaning of paragraph (2).

(2) Subject to paragraph (6), in this regulation "week of unemployment or incapacity" means—

- (a) a week in which in relation to the person concerned each of the 6 days from Monday to Saturday was either—
 - (i) a day of unemployment within the meaning of paragraph (3); or
 - (ii) a day of incapacity for work within the meaning of paragraph (5),

so however that if he objects on religious grounds to working on a specific day in each week other than Sunday, in the application of this sub-paragraph to him Sunday shall be substituted for that specific day; or

- (b) a week for any part of which an unemployability supplement or allowance within the meaning of Schedule 5 to the Act is payable.

(3) Subject to paragraphs (4) and (7), in this regulation a day of unemployment in relation to any person means any day which—

- (a) was a day of unemployment for the purposes of section 14(1)(a); or

(e) 1945 c. 6 (N.I.)

(b) would have been such a day had he claimed unemployment benefit within the prescribed time,

except that a day shall not be a day of unemployment within the meaning of this paragraph if it is a day in respect of which the person concerned does not satisfy those requirements of regulation 8(5) and (6) of the Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975(f), if any, which apply to him.

(4) For the purposes of paragraph (3), the employment of a person on any day in a week is to be disregarded if—

- (a) (i) he was available on that day to be employed full-time in some employed earner's employment,
 - (ii) the employment in which he was engaged was consistent with that full-time employment,
 - (iii) in that week he was engaged in employment for a total of not more than 8 hours (including any employment to which sub-paragraph (b) of this paragraph applies), and
 - (iv) if the employment in which he was engaged was employed earner's employment, it was not in his usual main occupation, or
- (b) the employment in which he was engaged was employed earner's employment—

- (i) which does not fall to be disregarded under sub-paragraph (a) of this paragraph,
- (ii) he was engaged in that employment on one day only in that week,
- (iii) his earnings from that employment on that day did not exceed the lower earnings limit then in force,

and in this paragraph—

- (i) "employed earner's employment" includes employment as a share-fisherman within the meaning of regulation 1(2) of the Social Security (Mariners' Benefits) Regulations (Northern Ireland) 1975,
- (ii) "earnings" has the same meaning as in Part II of the Social Security (Contributions) (Northern Ireland) Regulations 1974(g).

(5) Subject to paragraph (8), in this regulation a "day of incapacity for work" in relation to any person means any day which—

- (a) was a day of incapacity for work for the purposes of section 14(1)(b) or is deemed to be such a day by virtue of section 22(3); or
- (b) would have been such a day had he claimed sickness benefit or maternity allowance within the prescribed time; or
- (c) formed part of a period for which injury benefit was payable or would have become payable had he claimed it within the prescribed time.

(6) For the purposes of this regulation a week shall not be a week of unemployment or incapacity in relation to a woman if in any part of that week she was a married woman in respect of whom an election made by her under regulations made under section 125(2) had effect.

(7) A day shall not be a day to which paragraph (3)(b) applies unless—

(f) S.R. 1975 No. 108

(g) S.R. 1974 No. 234

- (a) the person concerned attended on that day at a social security office and there made a written declaration as to his unemployment and his availability for employment; so however that where the Department had before that day given him a notice in which a day was specified for making such a declaration, the requirements of this subparagraph shall be treated as satisfied if he attended at such an office and made such a declaration on the day specified in the notice and had done so on each earlier day (if any) so specified; or
- (b) the person concerned has furnished, in accordance with requirements notified to him by the Department, alternative evidence that the day was a day to which paragraph (3)(b) would have applied had he satisfied the requirements of sub-paragraph (a) of this paragraph;

and in this paragraph "social security office" includes any office or place appointed by the Department for the purposes of claiming unemployment benefit.

(8) A day shall not be a day to which paragraph (5)(b) applies unless the person concerned furnished to the Department notice in writing of the grounds on which he claims to be entitled to a credit, and he did so before the end of the benefit year immediately following the tax year in which that day fell or within such further time as may be reasonable in the circumstances of his case.

Transitional provisions

10.—(1) Subject to paragraph (3), where—

- (a) a person's entitlement to unemployment benefit, sickness benefit or maternity grant falls to be determined by reference to the contribution conditions contained in the 1966 Act; and
- (b) the last complete contribution year for the purposes of those conditions for the contributor concerned is—
 - (i) the year in which he attained the age of 17 or any previous year; or
 - (ii) a year after the year in which he attained that age but which is not later than the year in which he entered insurance under that Act;

he shall be credited with such number of contributions of the appropriate class under that Act as will enable him to satisfy the condition in paragraph 1(b) or, as the case may be, 2(b) of Schedule 2 to that Act.

(2) Paragraph (1) shall not apply in relation to—

- (a) unemployment benefit or sickness benefit for any day which is part of a continuous period for each day of which he was entitled to unemployment benefit or as the case may be sickness benefit which commenced on or before 5th April 1975 and for this purpose Sunday, or the day substituted for Sunday in his case, shall be disregarded;
 - (b) maternity grant where the expected week of confinement commenced before 23rd June 1975.
- (3) Where—
- (a) a woman's entitlement to maternity allowance falls to be determined by reference to the contribution conditions in the 1966 Act;
 - (b) the maternity allowance period for the purposes of section 22 commenced on or after 6th April 1975; and

(c) the period to be taken into account for the purposes of the contribution conditions—

- (i) terminated not later than the day on which she attained the age of 17; or
- (ii) terminated after that day and includes the date on which she first entered insurance or fell wholly before that date;

she shall be credited with such number of contributions of the appropriate class under that Act as will enable her to satisfy the contribution conditions in paragraph 3 of Schedule 2 to that Act.

(4) Contributions paid under the 1975 Act shall be taken into account for the purposes of regulations 11(5)(a)(ii) and 14(3) of the National Insurance (Contributions) Regulations (Northern Ireland) 1962(h).

(5) The provisions of paragraph (5) of regulation 11 of those regulations shall apply for the purposes of maternity allowance as they apply for the purposes of sickness benefit.

(6) Where a person is entitled to credits by virtue of the said regulation 11(5)(a)(ii) and the course of training to which that regulation refers continues after 5th April 1975, he shall be entitled to a Class 1 credit for each week in any part of which the course continued; so however that the foregoing provisions of this paragraph shall not apply to a woman in respect of any week in any part of which she was a married woman in respect of whom an election made by her under regulations made under section 125(2) had effect.

(7) In the application of regulation 7 to a case where the course began in the period from 6th April 1975 to 5th April 1978 (inclusive of both dates), the requirements of paragraph (2)(a) of that regulation shall be deemed to be satisfied if—

- (a) where the course began in the tax year commencing on 6th April 1975, he had paid or been credited with 104 contributions under the 1966 Act as an employed or self-employed person in the period beginning with the first day of the first contribution year relevant to him under the 1966 Act which commenced after 1st June 1971 and ending with 5th April 1975;
- (b) where the course began in the tax year commencing on 6th April 1976, he had paid or been credited with 104 contributions under the 1966 Act as an employed or self-employed person in the period beginning with the first day of the first contribution year relevant to him under the 1966 Act which commenced after 1st June 1972 and ending with 5th April 1976;
- (c) where the course began in the tax year commencing on 6th April 1977, he had paid or been credited with 104 contributions under the 1966 Act as an employed or self-employed person in the period beginning with the first day of the first contribution year relevant to him under the 1966 Act which commenced after 1st June 1973 and ending with 5th April 1977,

and for the purposes of sub-paragraphs (b) and (c) of this paragraph contributions paid by or credited to him under the 1975 Act shall be taken into account.

(8) Where—

- (a) a person's education, apprenticeship or training to which paragraph (3) of regulation 11 of the National Insurance (Contributions) Regulations (Northern Ireland) 1962 applied had not terminated before 6th April 1975;

- (b) he had paid or been credited with the 104 contributions mentioned in that paragraph;

for the purposes of his entitlement to unemployment benefit or sickness benefit he shall for the relevant past year be entitled to such number of Class 1 credits in respect of a week which equals the number of Class 3 contributions he paid in respect of that year so however that this paragraph shall not apply to any relevant past year after the year in which the education, apprenticeship or training terminated.

(9) Where any contributions paid by or as the case may be credited to a person under the 1975 Act are to be taken into account under paragraph (4), (5) or (7) they shall be taken as such number of contributions of the appropriate class as results from dividing the earnings factor derived from contributions of the relevant class paid by or as the case may be credited to him under the 1975 Act in any year or part of a year before the relevant time by the lower earnings limit for that year, and if that is not a whole number any fraction shall be disregarded.

(10) In this regulation—

- (a) “the 1966 Act” means the National Insurance Act (Northern Ireland) 1966;
- (b) “the 1975 Act” means the Social Security (Northern Ireland) Act 1975.

Sealed with the Official Seal of the Department of Health and Social Services for Northern Ireland on 4th April 1975.

(L.S.)

C. G. Oakes
Assistant Secretary

EXPLANATORY NOTE

(This note is not part of the regulations but is intended to indicate their general purport.)

These regulations provide for the crediting of contributions under the Social Security (Northern Ireland) Act 1975.

The regulations provide for credits for certain young people and others who were not insured under the National Insurance Act (Northern Ireland) 1966 (regulations 4, 5 and 6); for credits for certain persons undergoing approved training or completing full-time education, training or apprenticeship (regulations 7 and 8); for credits for periods of unemployment or incapacity for work in certain cases (regulation 9). The regulations also contain certain transitional provisions (regulation 10).